IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11540 of 2005

Between:

Chapati Ramachandra Reddy S/o. Pulla Reddy
R/o. Pulivendula Town Kadapa District.

..... PETITIONER

AND

1 The Superintending Engineer Roads & Buildings
Kadapa District.
2 The Executive Engineer Roads & Buildings
Pulivendula Kadapa District.
3 The Pulivendula Municipality Rep.by its Commissioner
Pulivendula Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the respondents in trying to demolish the house of the petitioner bearing No.1/1985 (Old No.1/645, 1/645-A) situated on Muddanur-Kadapa road, Pulivendula Town, Kadapa District, without initiation of proceedings under Land Acquisition Act and without following due process of law as illegal, arbitrary and violative of Article 19 (1) (g) and 300-A of the Constitution of India and consequently direct the respondents not to demolish the house of the petitioner bearing No.1/1985 (Old.No.1/645, 1/645-A) of Pulivendula Town, Kadapa District.

Counsel for the Petitioner:MR.K.SITA RAM

Counsel for the Respondent No.: GP FOR ROADS & BUILDINGS

The Court made the following :

ORAL ORDER:

Heard the learned counsel for both the parties and perused the material on record.

It is stated by the petitioner that he is the owner of the house property bearing No.1/1985 (Old No.1/645 (A) which was purchased by him under a registered sale deed, dated 18.1.1982 from one Madam Rengaiah Gupta. After purchase, the petitioner applied to the Pulivendula Gram Panchayat for renovation of the building and a new number was assigned to the property and he has not encroached at any time either into the Government land or into the road margin. While so, Pulivendula Gram Panchayat was converted into a Municipality. The respondent authorities are taking steps for road widening and have conducted survey on the road and also marked certain portions for demolition and the marking process started in the 2nd week of May, 2005. A portion of the petitioner's house was also marked for demolition. It is further stated that no portion of the house of the petitioner can be demolished and no part of the petitioner's land can be taken away for road widening without acquiring the said land in accordance with law. It is also stated that the land of the petitioner cannot be taken away and the only recourse open to the respondents is to take the land of the petitioner either by way of private negotiations or by way of initiating the land acquisition proceedings.

A Division Bench of this Court, in a similar case, held that the

respondents cannot take away the land of such petitioner without following the due procedure prescribed under law or under the Land Acquisition Act.

Having regard to the facts and circumstances of the case, I consider it appropriate to direct the respondents not to demolish any portion of the petitioner's house and also not to take away any part of the petitioner's land without initiating the land acquisition proceedings. The only legal recourse is either by way of private negotiations or by way of initiating the land acquisition proceedings.

With the above observation, the writ petition is disposed. No costs.

(V. ESWARAIAH, J.)

24th May, 2005

bcj

To

1 The Superintending Engineer Roads & Buildings
Kadapa District.
2 The Executive Engineer Roads & Buildings
Pulivendula Kadapa District.
3 The Pulivendula Municipality Rep.by its Commissioner
Pulivendula Kadapa District.

4. Two CC to GP for Roads and Buildings, High Court Buildings, Hyderbad(OUT)

5. Two CD copies

6. One CC to MR.SITA RAM, Advocate